



General Assembly

Substitute Bill No. 863

January Session, 2011

* SB00863GL 031111 *

AN ACT CONCERNING THE LICENSING OF SWIMMING POOL INSTALLERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section,
2 (1) "swimming pool" means a permanent spa or any in-ground or
3 partially above-ground structure intended for swimming that is
4 greater than twenty-four inches in depth, and (2) "swimming pool
5 builder" means a person who, for financial compensation, excavates
6 and grades for and constructs and installs a swimming pool, including,
7 but not limited to, tiling, coping, decking and installation of associated
8 circulation equipment such as pumps, filters and chemical feeders.

9 (b) On or after the adoption of regulations required pursuant to
10 subsection (c) of this section, no person shall build a swimming pool
11 unless such person holds a swimming pool builder's license issued by
12 the Commissioner of Consumer Protection.

13 (c) Not later than July 1, 2012, the Commissioner of Consumer
14 Protection shall adopt regulations, in accordance with the provisions of
15 chapter 54 of the general statutes, to implement the provisions of this
16 section, including establishing the amount and type of experience,
17 training, continuing education and examination requirements for a
18 person to obtain and renew a swimming pool builder's license.

19 (d) Any person who builds a swimming pool on residential
20 property owned by such person shall be exempt from the provisions of
21 this section.

22 (e) The holder of a swimming pool builder's license issued pursuant
23 to this section shall comply with the provisions of chapter 400 of the
24 general statutes regarding registration as a home improvement
25 contractor.

26 (f) A person licensed as a swimming pool builder pursuant to this
27 section shall not perform electrical work, plumbing and piping work
28 or heating, piping and cooling work, as defined in section 20-330 of the
29 general statutes, unless such person is licensed to perform such work
30 pursuant to chapter 393 of the general statutes.

31 (g) On and after the adoption of regulations required pursuant to
32 subsection (c) of this section, any person applying to the Department
33 of Consumer Protection for a swimming pool builders' license shall be
34 issued such license without examination upon demonstration by the
35 applicant of experience and training equivalent to the experience and
36 training required to qualify for examination for such license, if such
37 applicant makes such application to the department not later than
38 January 1, 2014.

39 (h) The initial fee for a swimming pool builder's license shall be one
40 hundred fifty dollars and the renewal fee for such license shall be one
41 hundred dollars. Licenses shall be valid for a period of one year from
42 the date of issuance.

43 Sec. 2. Section 20-341 of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective July 1, 2012*):

45 (a) Any person who wilfully engages in or practices the work or
46 occupation for which a license is required by this chapter, chapter 399b
47 or by section 1 of this act without having first obtained an apprentice
48 permit or a certificate and license for such work, as applicable, or who
49 wilfully employs or supplies for employment a person who does not

50 have a certificate and license for such work, or who wilfully and falsely
51 pretends to qualify to engage in or practice such work or occupation,
52 or who wilfully engages in or practices any of the work or occupations
53 for which a license is required by this chapter after the expiration of
54 such person's license, shall be guilty of a class B misdemeanor,
55 provided no criminal charges shall be instituted against such person
56 pursuant to this subsection unless the work activity in question is
57 reviewed by the Commissioner of Consumer Protection, or the
58 commissioner's authorized agent, and the commissioner or such agent
59 specifically determines, in writing, that such work activity requires a
60 license and is not the subject of a bona fide dispute between persons
61 engaged in any trade or craft, whether licensed or unlicensed.
62 Notwithstanding the provisions of subsection (d) or (e) of section 53a-
63 29 and subsection (d) of section 54-56e, if the court determines that
64 such person cannot fully repay any victims of such person within the
65 period of probation established in subsection (d) or (e) of section 53a-
66 29 or subsection (d) of section 54-56e, the court may impose probation
67 for a period of not more than five years. The penalty provided in this
68 subsection shall be in addition to any other penalties and remedies
69 available under this chapter or chapter 416.

70 (b) The appropriate examining board or the Commissioner of
71 Consumer Protection may, after notice and hearing, impose a civil
72 penalty on any person who engages in or practices the work or
73 occupation for which a license or apprentice registration certificate is
74 required by this chapter, section 1 of this act, chapter 394, [or] chapter
75 399b or chapter 482 without having first obtained such a license or
76 certificate, or who wilfully employs or supplies for employment a
77 person who does not have such a license or certificate or who wilfully
78 and falsely pretends to qualify to engage in or practice such work or
79 occupation, or who engages in or practices any of the work or
80 occupations for which a license or certificate is required by this
81 chapter, section 1 of this act, chapter 394, [or] chapter 399b or chapter
82 482 after the expiration of the license or certificate or who violates any
83 of the provisions of this chapter, section 1 of this act, chapter 394, [or]

84 chapter 399b or chapter 482 or the regulations adopted pursuant
85 thereto. Such penalty shall be in an amount not more than one
86 thousand dollars for a first violation of this subsection, not more than
87 one thousand five hundred dollars for a second violation of this
88 subsection and not more than three thousand dollars for each violation
89 of this subsection occurring less than three years after a second or
90 subsequent violation of this subsection, except that any individual
91 employed as an apprentice but improperly registered shall not be
92 penalized for a first offense.

93 (c) If an examining board or the Commissioner of Consumer
94 Protection imposes a civil penalty under the provisions of subsection
95 (b) of this section as a result of a violation initially reported by a
96 municipal building official in accordance with subsection (c) of section
97 29-261, the commissioner shall, not less than sixty days after collecting
98 such civil penalty, remit one-half of the amount collected to such
99 municipality.

100 (d) A violation of any of the provisions of this chapter or section 1 of
101 this act shall be deemed an unfair or deceptive trade practice under
102 subsection (a) of section 42-110b.

103 (e) This section shall not apply to any person who (1) holds a license
104 issued under this chapter, section 1 of this act, chapter 394, [or] chapter
105 399b or chapter 482 and performs work that is incidentally, directly
106 and immediately appropriate to the performance of such person's
107 trade where such work commences at an outlet, receptacle or
108 connection previously installed by a person holding the proper license,
109 or (2) engages in work that does not require a license under this
110 chapter, section 1 of this act, chapter 394, [or] chapter 399b or chapter
111 482.

112 Sec. 3. Subsection (a) of section 20-417aa of the general statutes is
113 repealed and the following is substituted in lieu thereof (*Effective July*
114 *1, 2012*):

115 (a) As used in this section, "swimming pool maintenance and repair
 116 work" means the performance of all plumbing, heating and electrical
 117 work necessary to service, modify or repair any swimming pool, hot
 118 tub, spa or similar recreational or therapeutic equipment, where such
 119 work commences at an outlet, receptacle, connection, back-flow
 120 preventor or fuel supply pipe previously installed by a person holding
 121 the proper license. Swimming pool maintenance and repair work
 122 includes: (1) The renovation or repair of nonpotable water components
 123 of a pool, hot tub or spa, including, but not limited to, the shell, tiling
 124 and coping, concrete finish or vinyl liner of such pool, hot tub or spa;
 125 and (2) the draining, acid washing or backwash filtration of a
 126 swimming pool. The renovation or repair of nonpotable water
 127 components of a pool, hot tub or spa required to be installed,
 128 renovated or repaired by a licensed plumber or electrician shall not be
 129 considered swimming pool maintenance and repair work. The holder
 130 of a limited license for swimming pool maintenance and repair work
 131 issued pursuant to this section shall not be subject to the provisions of
 132 chapter 400, provided such license holder is acting within the scope of
 133 the license.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2012</i>	20-341
Sec. 3	<i>July 1, 2012</i>	20-417aa(a)

GL *Joint Favorable Subst.*